

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-27 are pending in this application.

Applicants' Attorneys would like to thank the Examiner for the acknowledgment of allowable subject matter in claims 7-8, 10, 12 and 20. Applicant submits, however, that it is entitled to the claims as they stand and respectfully defers amending the allowable claims subject to the Examiner's consideration of the following remarks.

Claims 1-6, 9, 11, 13-19, and 21-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Published Patent Application No. 20020098877 to Glezerman in view of U.S. Published Patent Application No. 20030114201 to Chung et al.

Regarding claim 1, the Examiner states that “Glezerman teaches a wireless communications kit for use with a cellular telephone comprising: a communications headset having a mount; a second attachment shaped to secure itself to the mount and including a top portion arranged to attach to a temple member of a pair of glasses.” The Examiner admits that Glezerman fails to disclose a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user. However, the Examiner states that this feature is disclosed by Chung and

that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Chung's attachment with the communications kit disclosed by Glezerman.

Applicant respectfully traverses the above rejection. As discussed below, the combination of Glezerman and Chung is not obvious because there is no suggestion or motivation to combine the referenced teachings as suggested by the Examiner.

Chung discloses a wireless headset with a housing "sized to cover a majority of an outer ear or at least an area surrounding a user's ear hole." *See* Chung, paragraph 0031. In contrast, Glezerman discloses a wireless headset, wherein no part of the headset contacts the user's ear. Glezerman's headset housing is disposed on a temple member of the user's glasses between the user's ear and eyes. Glezerman's earphone (the part which is disposed nearest the user's ear) is connected to the housing by a cable with a stiffness to support the weight of the earphone which "eliminates the need for direct contact between the earphone and the user's ear and instead permits the speaker to float proximate to the user's ear." Thus, including Chung's attachment, configured to sit about the ear, would defeat Glezerman's objective of eliminating direct contact between the earphone and the ear. In fact, the Examiner's proposed combination would render Glezerman unsatisfactory for its intended purpose.

Claims 2-23 depend from claim 1. Thus, these claims are patentable for at least the reasons presented above for claim 1.

Regarding claim 24, the Examiner states that Glezerman teaches a wireless communications headset having a housing, an eyeglass attachment and a magnetic securement, but fails to teach a housing attachment component having a lower end secured to the housing and an upper end having an extension. The Examiner states that this feature is taught by Chung and that it

would have been obvious to one of ordinary skill in the art at the time the invention was made to use a housing attachment component as taught by Chung with Glezerman's teaching.

Applicant respectfully traverses the above rejection. Applicant submits that neither Chung nor Glezerman teach or suggest a headset incorporating magnets or magnetic components. Thus, their combination does not result in the claimed invention as suggested by the Examiner.

Claims 25 and 26 depend from claim 24. Thus, these claims are patentable for at least the reasons presented above for claim 24.

Regarding claim 27, Applicant respectfully traverses the above rejection. As discussed above with regard to claim 1, the combination of Glezerman and Chung is not obvious because there is no suggestion or motivation to combine the referenced teachings as suggested by the Examiner.

In view of the above amendments and remarks, it is believed that claims 1-27 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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